

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
BOARD OF SAFETY AWARENESS**

**Wednesday, September 10, 2014**

**8:30 A.M.**

**In attendance: Eric Anderson**

**Robin Coia**

**Wayne Coulombe**

**Nicholas Giardino**

**James Jackson**

**Joseph Sabitoni, Chair**

**Timothy Byrne, Edgar Ladouceur and Bernard Trembl were not in attendance.**

**Also in attendance: Mark Ryan, Prevailing Wage Investigator; and Mary Ellen McQueeney-Lally, DLT Legal Counsel.**

**1. CALL TO ORDER: Meeting was called to order at 8:37am by Joseph Sabitoni. A quorum was present. All board members are in attendance with the exception of Timothy Byrne, Edgar Ladouceur and Bernard Trembl who are excused.**

**2. REVIEW & APPROVE MEETING MINUTES:** Regarding the minutes of the August 13, 2014 meeting; Robin Coia made a motion to accept the minutes as presented; seconded by Eric Anderson and passed unanimously by the Board.

**3. HEARINGS:**

Mary Ellen McQueeney-Lally reminds board members that they are subject to the RI Ethics Commission rules. Should a member have a conflict, financial or otherwise, they should recuse from participating on the matter. Legal Counsel is available if necessary.

**1.) Rene Nunez – Violation #4901:** Rene Nunez (Respondent) and Mark Ryan (Investigator) are sworn in for testimony. Mark Ryan presents the violation.

**VIOLATION:** On June 13th, 2014, Mr. Mark T. Ryan, Prevailing Wage Investigator, visited the RI College Art Center project and interviewed Rene Nunez of Frank Lombardo and Sons Inc. This individual was working on the project without OSHA-10 hour certification. This is a violation of RIGL 37-23-1 “Safety Awareness Program Required”.

On 7/14/2014 Violation 4901 was issued to Mr. Nunez in the amount of \$250.00.

**Rene Nunez begins testimony and requests an interpreter. Documents are entered into evidence: Exhibit A – Mr. Nunez's OHSA 10 Hour Training certificate and Exhibit B – Mr. Nunez's apprenticeship card. Testimony continued through DLT interpreter, Mabel Martinez. The Board questioned Mr. Nunez and Mr. Ryan.**

**With regard to Violation 4901, Nicholas Giardino made a motion that a violation did occur; seconded by James Jackson. VOTE: 5 in favor / 0 opposed. Motion carries.**

**Wayne Coulombe made a motion to suspend the fine of \$250.00 for a period of one year; seconded by Eric Anderson. VOTE: 4 in favor (Eric Anderson, Robin Coia, Wayne Coulombe and Nicholas Giardino); 1 opposed (James Jackson). Motion carries.**

**The recommendation will be forwarded to the Director.**

**2.) Delta Mechanical Contractors, LLC – Violation #4903: Kevin Hopkins of Delta Mechanical Contractors, LLC is sworn in for testimony. Mark Ryan, having previously been sworn, presents the violation. Joseph Sabitoni, Chair, and Robin Coia recused themselves from the matter. Eric Anderson is appointed to serve as Chair for the hearing as Joseph Sabitoni, Chair, recused.**

**Mark Ryan presents the violation.**

**VIOLATION: On June 13th, 2014, Mr. Mark T. Ryan, Prevailing Wage Investigator, visited the RI College Art Center project and interviewed Rene Nunez of Frank Lombardo and Sons Inc. (who is subcontractor of Delta Mechanical Contractors) This individual was working on the project without OSHA-10 hour certification. This is a violation of RIGL 37-23-1 "Safety Awareness Program Required".**

**On 7/14/2014 Violation 490 was issued to Delta Mechanical Contractors LLC in the amount of \$500.00.**

**Kevin Hopkins provides testimony and is questioned by the Board.**

**Nicholas Giardino made a motion that a violation did occur; seconded by Wayne Coulombe. VOTE: 3 in favor (Coulombe, Giardino, Jackson), 0 opposed. Robin Coia and Joseph Sabitoni recused. Eric Anderson acted as chair.**

**Nicholas Giardino made a motion that the fine of \$500.00 be upheld; seconded by Wayne Coulombe. VOTE: 3 in favor (Coulombe, Giardino, Jackson), 0 opposed. Robin Coia and Joseph Sabitoni recused. Eric Anderson acted as chair.**

**The recommendation will be forwarded to the Director.**

**\*\* FOR INFORMATION: Mary Ellen McQueeney-Lally informed board members of the Departments annual training for board members to be held on Monday, October 6, 2014 from 8:30am to 12:00pm in the Main Conference Room in Building 73 here at the Department.**

**4. ADJOURNMENT: James Jackson made a motion to adjourn. All were in favor. The meeting adjourned at 9:08am.**